

UNITED STATES DISTRICT COURT

for the

District of MontanaHelena Division

Case No.

CV 23-31-H-SEH

(to be filled in by the Clerk's Office)

CORPRON Silas

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CO. BLAIR, ET AL.,

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**AMENDED COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS (Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Silas Corpron
 All other names by which
 you have been known: _____
 ID Number 2054246
 Current Institution Montana State Prison
 Address 700 Conley Lake Rd
Deer Lodge MT ~~59722~~ 59722
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name C.O. Zack Blair and C.O. Wikie
 Job or Title (*if known*) LCDC Officer's
 Shield Number _____
 Employer Lewis & Clark County Detention Center
 Address 221 Breckenridge
Helena MT 59601
City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Capt. Bragg
 Job or Title (*if known*) Capt of LCDC
 Shield Number _____
 Employer Lewis & Clark County
 Address 221 Breckenridge
Helena MT 59601
City State Zip Code
☒ Individual capacity ☒ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Leo Dutton (Sheriff)

Job or Title (if known)

Sheriff of Lewis and Clark County

Shield Number

Employer

Lewis and Clark County

Address

221 Breckenridge

Helena

City

MT

State

59601

Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

Lewis and Clark County

Job or Title (if known)

Shield Number

Employer

Address

221 Breckenridge

Helena

City

MT

State

59601

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The Fourteenth Amendment - The right to equal Protection C.O. Wilke made statement to the effect of making the plaintiff out to be racially inferior. Due Process was violated when Capt. Bragg and Leo Dutton didn't reprimand these employees for their actions and as County Employees they all should have been reprimanded or fired for their actions. The County and its administrative staff is liable for not following this and their own MCA 45-5-204 and 45-5-203. C.O. Blair's physical abuse also violates these laws and the Fourteenth and 8th Amendments.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Constitutional violations in Amendments 1, 4, 5, 8, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882,

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Officers Blair and Wikie assaulted plaintiff using the position as CO's to do so, acting as if it was under their capacity and regulation, and policy to do so. Racism and Assault on an inmate is never OK. This is further explained in Exhibit 1 and 2 please reference. Also Capt. Bragg and Leo Dutton as administration and policy makers failed to do anything about this even though informed via the Grievance system. Which grievances were ignored. See Exhibit's A, B, C, D, and E. Pages are attached for more information. These acts violate plaintiff's constitutional rights to health and safety and his protections against racial persecution.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) Was Pretrial detainee when this occurred but now Convicted and sentenced State Prisoner

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On or about the 3rd day of March 2023 at around 0637 am (the day of Assault) and the following days after when Capt. Bragg and Leo Dutton failed to do anything about situation or Grievances.

6:37 AM

C. What date and approximate time did the events giving rise to your claim(s) occur?

on or about the 3rd day of March 2023 and the following days that nothing was done about the issue by administrative staff as shown in the Attached Grievances.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On or about the 3rd of March 2023 at around 06:37 AM C O Wilke & Blair of the Lewis & Clark County Detention Center entered POD 3 to serve the Plaintiff a minor infraction report. As the Plaintiff was handed the report from the defendant the defendant made a statement in regards to the plaintiff this is his house and his racially inferior skin color. The Plaintiff was at the threshold of his cell and retreating as officer Blair repeatedly yelled and pushed saying you know you want to go your kind aren't peaceful go on hit me. The plaintiff backed into the bunk end of the Blair got more violent after cuffing him. Slammed the plaintiff head against the wall chipped his teeth. Then when officer Blair told the plaintiff to get on his knees the plaintiff refuses officer Blair slammed him to the floor. Officer Blair then said this is my home and these are my officers, it's time you people learn your place.

Kyle Davis AO# 3030391, Joseph Henderson AO# 21039, Richard Strawn AO# 3024642

V. Injuries

~~X~~ Josh Moriton AO# 3013650 Also Witnessed it all and the Night before heard CO Blair already mad at his job and mad at the world

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mental health, A Dentist, A Back specialist chipped from slamming me CO Blair chipped my front teeth, injured my knee and ankle also reinjured my back, AS for mental health has made my mental health and PTSD and fear of officers worst, and now I have to live the rest of my life in fear from law enforcement from hurting me are abusing me are worst killing me, I have higher Anxiety, and night terror from these added incidents from law enforcement, jailer, and DOC

physically hear him say,

VI. Relief

\$ 8,000,000

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Damages and Punitive Damages of \$ 8,000,000.00 for Physical assault, emotional duress, pain and suffering and to cause a change in this behavior in the facility by staff members also include Court Fees and Lawyer Fees.

This incident has left the plaintiff fearing for his life, not trusting the officer who are suppose to be here to protect, This treatment took the plaintiff to a place he has fought to get past.

He the plaintiff was intimidated, restrained, 45-5203

45-5204 The plaintiff was mistreated as a prisoner in the Lewis & Clark County Detention Center the 14th Amendment of the U.S. constitution protects against Cruel and unusual Punishment and this is easily a Hate motivated crime - see Dennis Boyd of Jasper Texas this Plaintiff was singled out simply because He was a Native American

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Lewis and Clark Detention Center

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Lewis and Clark Detention Center on the TurnKey Kiosk (Electronically)

2. What did you claim in your grievance?

Assault, Racism, and Grievances about this situation not being answered. (See Ex. A, B, C, D and I)

3. What was the result, if any?

No results

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

They were ignored or answered only by stating it would be forwarded and nothing was ever done or any other responses into the matter.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Sgt . and he said if he look into

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? No

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

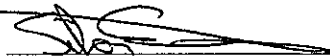
Date of signing: 7-7-2023

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address



Silas Corpron

2054246

700 Conley Lake Rd

Deer Lodge
City

MT
State

59722
Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address